

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DANA-FARBER CANCER)
INSTITUTE, INC. a/k/a THE)
JIMMY FUND,)
)
Plaintiff)
)
v.)
)
BOC GROUP, INC. d/b/a BOC)
GASES,)
)
Defendant/Third-Party Plaintiff)
)
v.)
)
TAYLOR-WHARTON, HARSCO)
CORPORATION, GAS & FLUID)
CONTROL GROUP)
and)
PACER DIGITAL SYSTEMS INC.)
)
Third-Party Defendants)
)

CASE NO.: 04-12612 RCL

**DEFENDANT/THIRD-PARTY PLAINTIFF, BOC GROUP, INC. d/b/a BOC GASES',
DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1) AND LOCAL RULE 26.2**

The defendant/third-party plaintiff, BOC Group, Inc. d/b/a BOC Gases ("BOC"), hereby submits its initial disclosures, pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2.

BOC reserves the right to supplement or amend this disclosure, should further information become known to BOC.

A) Individuals likely to have discoverable information

Current and/or former employees and/or agents of BOC:

1. Randy Greene, 19 Linden Road, Seekonk, Massachusetts, regarding the facts underlying the action.

2. William Emmett, 7 Clifton Avenue, Hull, Massachusetts, regarding the facts underlying the action.
3. Other current and/or former employees and/or agents of BOC, whose identities are yet unknown to BOC, who have information regarding the facts underlying the action.

Current and/or former employees and/or agents of Dana-Farber Cancer Institute, Inc., a/k/a The Jimmy Fund ("Dana-Farber"):

4. Ed Lucei, Ole Gjoerup, Thomas M. Roberts, Midori Yamakawa, Sung Hyum Lee, Lei Zhang, Aki Harada, Akio Yamakawa, Romesh R. Subramanian, Deborah Goff, and Jean Zhao, all of Dana-Farber Cancer Institute, Smith Building, 1 Jimmy Fund Way, Brookline, Massachusetts, regarding the facts underlying the action.
5. Dana Whitten, Dana-Farber Cancer Institute, Smith Building, 1 Jimmy Fund Way, Brookline, Massachusetts, regarding the facts underlying the action.
6. Louise A. Forrest Bowes, Director of Materials Management, and Ada L. M. Watson, Business Manager for Research, both of Dana-Farber Cancer Institute, 44 Binney Street, Boston, Massachusetts, regarding the facts underlying the action.
7. William Lowe, Director of Internal Audit, Dana-Farber Cancer Institute, 1309 Beacon Street, Brookline, Massachusetts, regarding the facts underlying the action.
8. Paul Pistorino, Purchasing Manager, Dana-Farber Cancer Institute, 44 Binney Street, Boston, Massachusetts, regarding the facts underlying the action.
9. Other current and/or former employees and/or agents of Dana-Farber, whose identities have yet to be revealed to BOC, who have information regarding the facts underlying this action, and/or the plaintiff's alleged damages.
10. James Tagliente, Property Claim Supervisor, Chubb Insurance Company, One Financial Center, Boston, Massachusetts, regarding the plaintiff's alleged claim.
11. Other current and/or former employees and/or agents of Chubb Insurance Company, whose identities have yet to be revealed to BOC, who have information regarding the facts underlying this action, and/or the plaintiff's alleged damages.
12. James DiChaira, Magnan Graizzo & Associates CPA's, LLC, 87 Summer Street, 5th floor, Boston, Massachusetts, regarding the plaintiff's alleged damages.
13. Other current and/or former employees and/or agents of Magnan Graizzo & Associates CPA's, LLC, whose identities have yet to be revealed to BOC, who

have information regarding the facts underlying this action, and/or the plaintiff's alleged damages.

14. Rick Gaber, 50 Maple Street, Clarendon Hills, Illinois, regarding the cause and origin of the plaintiff's claims.

Current and/or former employees and/or agents of Pacer Digital Systems, Inc. ("Pacer"):

15. Warren Oeff, Vice President, Pacer Digital Systems, Inc., 8658 Castle Park Drive, Indianapolis, Indiana, regarding the facts and equipment underlying the action.
16. Other current and/or former employees and/or agents of Pacer, whose identities have yet to be revealed to BOC, who have information regarding the facts and equipment underlying the action.

Current and/or former employees and/or agents of Taylor-Wharton, Harsco Corporation, Gas & Fluid Control Group ("Taylor-Wharton")

17. Current and/or former employees and/or agents of Taylor-Wharton, whose identities have yet to be revealed to BOC, who have information regarding the facts and equipment underlying this action.

BOC hereby incorporates by reference the individuals listed in the initial disclosures of all other parties, to the extent such individuals are not listed above.

BOC reserves the right to object to the admissibility at trial of any or all testimony of any person listed or incorporated herein, pursuant to the Federal Rules of Evidence.

B) Documents which support BOC's claims or defenses

Copies of documents in the possession, custody, or control of BOC that BOC may use in support of its claims or defenses are attached hereto, numbered BOC-001 – BOC-059.

BOC hereby incorporates by reference the documents listed in or attached to the initial disclosures of all other parties, to the extent such documents are not attached hereto.

BOC reserves the right to object to the admissibility of any documents attached hereto or incorporated herein, pursuant to the Federal Rules of Evidence.

C) Computation of Damages

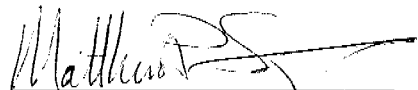
Not applicable.

D) Insurance Agreement

See Chubb Insurance Company policy number 3579-72-70 BOS (insuring Dana-Farber Cancer Institute), attached to the Initial Disclosures of Dana-Farber Cancer Institute, at pages 1 – 75.

Defendant,
BOC Group, Inc. d/b/a BOC Gases
By its attorneys,

Dated: April 14, 2005



Michael P. Giunta, BBO #543768
Matthew P. Sgro, BBO #655825
DONOVAN HATEM LLP
Two Seaport Lane
Boston, MA 02210
617-406-4500

CERTIFICATE OF SERVICE

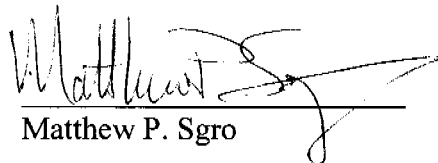
I, Matthew P. Sgro, hereby certify that on this date I caused a copy of the foregoing, via first-class mail, postage prepaid, to:

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Dated: April 14, 2005


Matthew P. Sgro